

By: Nevárez

H.B. No. 1325

A BILL TO BE ENTITLED

AN ACT

relating to the application of the sales and use tax to certain services involving real property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 151.0048(a), Tax Code, is amended to read as follows:

(a) Except as provided by Subsection (b), "real property service" means:

(1) landscaping;

(2) the care and maintenance of lawns, yards, or ornamental trees or other plants;

(3) the removal or collection of garbage, rubbish, or other solid waste other than:

(A) hazardous waste;

(B) industrial solid waste;

(C) waste material that results from an activity associated with the exploration, development, or production of oil, gas, geothermal resources, or any other substance or material regulated by the Railroad Commission of Texas under Section 91.101, Natural Resources Code;

(D) domestic sewage or an irrigation return flow, to the extent the sewage or return flow does not constitute garbage or rubbish; and

(E) industrial discharges subject to regulation

1 by permit issued pursuant to Chapter 26, Water Code;

2 (4) building or grounds cleaning, janitorial, or  
3 custodial services; or

4 (5) a structural pest control service covered by  
5 Section 1951.003, Occupations Code[~~, or~~

6 [~~(6) the surveying of real property~~].

7 SECTION 2. Section 151.0048 (b-1), Tax Code, is repealed.

8 SECTION 3. The change in law made by this Act does not  
9 affect tax liability accruing before the effective date of this  
10 Act. That liability continues in effect as if this Act had not been  
11 enacted, and the former law is continued in effect for the  
12 collection of taxes due and for civil and criminal enforcement of  
13 the liability for those taxes.

14 SECTION 4. This Act takes effect September 1, 2017.